

Report on the meeting of the European Ombudsman inquiry team with representatives of the European Commission on how it dealt with a request for public access to documents concerning its online directory of EU staff (Whoiswho)

Correspondence - 24/11/2023

Case 1647/2023/NH - Opened on 04/09/2023 - Decision on 29/10/2024 - Institution concerned European Commission (Solution achieved) |

Date : Friday, 24 November 2023

Remote meeting via WebEx

Present

European Commission

- Senior Expert - Ethics, Good Administration and Relations with the European Ombudsman (SG.C.2)
- Deputy Head of Unit - Transparency, Document Management and Access to Documents (SG.C.1)
- Legal and Policy Officer - Transparency, Document Management and Access to Documents (SG.C.1)
- Legal and Policy Officer - Transparency, Document Management and Access to Documents (SG.C.1)
- Head of Unit - Corporate Governance and Business Continuity (SG.A.6)
- Administrative and Support Agent - Corporate Governance and Business Continuity (SG.A.6)

European Ombudsman

- Tanja Ehnert, Inquiries Coordinator
- Nicholas Hernanz, Inquiries Officer
- Emily Tullberg, Inquiries Officer
- Daria Stanculescu, Inquiries Trainee



Purpose of the meeting

The purpose of the meeting was for the Ombudsman inquiry team to obtain clarification on how the European Commission searched for and identified the documents falling within the scope of the complainant's public access request.

Introduction and procedural information

The Ombudsman inquiry team introduced themselves, thanked the Commission representatives for meeting with them and set out the purpose of the meeting. They outlined the legal framework that applies to meetings held by the Ombudsman, in particular, that the Ombudsman would not disclose any information identified by the Commission as confidential, neither to the complainant nor to any other person outside the Ombudsman's Office, without the Commission's prior consent. [1]

The inquiry team explained that they would draw up a draft report on the meeting to be sent to the Commission to ensure that the contents were factually accurate and complete. The meeting report would then be finalised, included in the file and provided to the complainant. No confidential information would be included in the report or otherwise provided to the complainant or any third party.

Information exchanged

The Ombudsman inquiry team outlined the scope of the complaint. They clarified that this inquiry concerns the request for public access to documents related to the decision to remove names and contact details of Commission members from the EU Whoiswho website, and not the decision itself. Prior to the meeting, the inquiry team inspected the documents identified by the Commission as falling within the scope of the request.

The Commission's identification of documents

The Ombudsman inquiry team requested clarification on how the Commission searched for and identified the relevant documents in this case.

The Commission representatives explained that the responsible unit has several tasks, including following the work of the Publications Office. When the complainant submitted the initial request for access to documents, the unit followed its regular procedure which involved examining the request and identifying the relevant documents.

The Commission representatives explained that, when a confirmatory application is submitted, the Secretariat-General liaises with the unit in charge of the initial reply in order to obtain its



views on the arguments raised by the applicant. In cases where the applicant raises the issue of an incomplete identification of documents, the unit is asked to provide its input regarding the documents identified. The Commission representatives confirmed that this process was followed in this case.

The existence of documents related to undue external pressure and staff requests

The Ombudsman inquiry team noted that, in its initial and confirmatory decisions, the Commission stated that there had been undue pressure from external sources and requests from staff wanting to have their names removed from the EU Whoiswho. The inquiry team asked if the Commission searched for any documentation relating to such requests.

The Commission representatives stated that no documents relating to requests from staff to have their names removed from the EU Whoiswho were identified. They noted that it was likely that these requests were expressed orally.

The Ombudsman inquiry team asked whether the Commission's search was limited to documents registered in its document management system (ARES) or whether additional steps were taken to identify relevant documents, such as contacting relevant services within the Commission which might have received requests from staff members. The Commission representatives confirmed that the search for documents falling within the scope of the public access request was limited to ARES. No additional steps to identify relevant documents were taken.

The existence of documents related to consultations

The Ombudsman inquiry team asked whether other consultations or discussions took place, particularly with the Publications Office, the Commission's Data Protection Officer or Cabinet. If so, the inquiry team asked whether any documents relating to these consultations exist.

The Commission representatives noted that there was an email exchange with the Publications Office. However, this correspondence was technical in nature and did not include a discussion on substance. Therefore, these emails fell outside the scope of the public access request. The Commission representatives stated that no further consultations on the decision to remove names and contact details of Commission members from the EU Whoiswho website took place.

Conclusion of the meeting

The inquiry team thanked the Commission's representatives for their time and for the explanations provided, and the meeting ended.



Brussels/Strasbourg, 24 November 2023

Tanja Ehnert Nicholas Hernanz

Inquiries Coordinator Inquiries Officer

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Inquiries Officer

[1] Article 4.8 of the European Ombudsman's Implementing Provisions.